

### **REMARKS**

Claims 21 and 33-44 were pending in the application at the time the present Office Action was mailed. Claim 33 has been cancelled, and claims 34 - 40 have been amended without commenting on or conceding the merits of the rejections of these claims. More specifically, claims 35 and 39 have been rewritten in independent form to include all the features of corresponding base claim 33 and any intervening claims. Accordingly, any subsequent rejection of claim 35 or 39 based on new grounds cannot be made final. No new claims have been added. Accordingly, claims 21 and 34-44 remain pending in the present application.

#### **The Present Office Action is a Non-final Office Action with a Three-month Shortened Statutory Period for Reply**

Before discussing the merits of the present Office Action, the undersigned attorney would like to respectfully point out that the Office Action Summary fails to identify the present Office Action as "final" or "non-final." As PAIR correctly notes, however, the present Office Action is a non-final Office Action. Furthermore, as the Office Action Cover Sheet correctly notes, the Office Action is subject to a three-month shortened statutory period for reply, not a one month period as incorrectly noted in the Office Action Summary.

In the present Office Action, claim 21 was allowed and claims 33-44 were rejected. More specifically, the status of the claims in view of the present Office Action is as follows:

(A) Claims 33-35, 37, and 39 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,704,651 to Phillips ("Phillips");

(B) Claims 36 and 38 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Phillips in view of U.S. Patent No. 5,466,012 to Puckett et al. ("Puckett"); and

(C) Claims 40-44 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sandru in view of Phillips.

A. Response to the Section 102 Rejection of Claims 33-35, 37 and 39

Claims 33-35, 37 and 39 were rejected under 35 U.S.C. § 102(b) as being anticipated by Phillips.

Independent claim 33 has been cancelled, and claim 35 has been rewritten in independent form to include all the features of corresponding base claim 33. As amended, claim 35 is directed to a voucher for use with a coin discriminator that is configured to receive a plurality of coins from a user and count the coins to arrive at a total. The voucher includes a substrate with a visible mark. The visible mark has a first appearance on the substrate, but a second appearance different from the first appearance when photocopied. The voucher of claim 35 also includes an indicia that indicates a value for which the printed substrate can be redeemed in exchange for at least one of cash and merchandise. Notably, the value indicated by the indicia is related to the total of coins counted by the coin-counting machine, but is less than the total.

Anticipation under Section 102 requires that a single prior art reference disclose or suggest each and every element as set forth in the claim. (M.P.E.P. § 2131). In the present case, however, Phillips fails to disclose or suggest each and every element set forth in independent claim 35. For example, nowhere does Phillips disclose or suggest a voucher having indicia that indicates a value for which the voucher can be redeemed in exchange for at least one of cash and merchandise. More particularly, nowhere does Phillips disclose or suggest a redeemable voucher having a value that is related to a total of coins counted but is less than the total. Therefore, Phillips cannot support a Section 102 rejection of independent claim 35 for at least this reason, and the rejection should be withdrawn.

Claims 34 and 36-38 depend from base claim 35. Accordingly, Phillips cannot support a Section 102 rejection of dependent claims 34 and 36-38 for at least the reason that this reference cannot support a Section 102 rejection of corresponding base claim 35, and for the additional features of these dependent claims. Therefore, the rejection of dependent claims 34 and 36-38 should be withdrawn.

Claim 39 has been rewritten in independent form to include all the features of corresponding base claim 33. As amended, claim 39 is directed to a voucher for use with a coin discriminator. The voucher includes, *inter alia*, a substrate with a visible mark. The visible mark has a first appearance on the substrate, but a photocopy of the visible mark has a second appearance, different from the first appearance. Notably, the visible mark of claim 39 is made from a marking medium that includes fluorescent ink.

The applicant submits that Phillips fails to disclose or suggest that the "overprint indicia 14" (which the Office Action construes as the "visible mark" of claim 39) can include fluorescent ink. To the contrary, Phillips explicitly states that the "overprint indicia 14" can be overprinted or produced . . . as a metallic image, preferably of gold, silver or chrome." The overprint indicia 14 can also be made up of other print substances such as metallic, magnetic or thermachromic inks." Thus, the overprinting is disclosed as including reflective materials – not fluorescent ink. (Phillips in column 3, lines 48-61). Thus, Phillips fails to disclose or suggest a visible mark made with fluorescent ink, as required for a proper Section 102 rejection of independent claim 39. Absent such a teaching, Phillips cannot support a proper Section 102 rejection of claim 39, and the rejection should be withdrawn.

**B. Response to the Section 103 Rejection of Claims 40-44**

Independent claim 40 is directed to a voucher for use with a coin discriminator that is configured to receive a plurality of coins from a user and count the coins to arrive at a total. The voucher of claim 40 includes, *inter alia*, a substrate having a first indicia that indicates a value for which the voucher can be redeemed in exchange for at least one of

cash and merchandise. As amended, claim 40 recites that the value indicated by the first indicia is related to the total of coins counted but is less than the total.

Claim 40 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Sandru in view of Phillips. As discussed above in reference to claim 35, however, Phillips fails to disclose or suggest a voucher having a value that is related to a total of coins counted but is less than the total. Furthermore, Sandru fails to cure this deficiency of Phillips. Therefore, the combination of Sandru and Phillips cannot support a Section 103 rejection of independent claim 40 for at least this reason, and the rejection should be withdrawn.

Claims 41-44 depend from base claim 40. Accordingly, the combination of Sandru and Phillips cannot support a Section 103 rejection of dependent claims 41-44 for at least the reason that these references cannot support a Section 103 rejection of corresponding base claim 40, and for the additional features of these dependent claims. Therefore, the rejection of dependent claims 41-44 should be withdrawn.

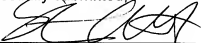
The applicant respectfully requests that the Examiner reconsider the pending claims in view of the amendments and remarks set forth above.

C. Conclusion

Please charge any deficiency in fees or credit any overpayment to our Deposit Account No. 50-0665, under Order No. 213828013US2 from which the undersigned is authorized to draw.

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Respectfully submitted,

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